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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,494	04/21/2004	Sheau Yang Ch'ng	70031106-1	6927

7590 02/23/2006

AGILENT TECHNOLOGIES, INC.
Legal Department, DL 429
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EXAMINER

WYATT, KEVIN S

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/829,494	Applicant(s) CH'NG ET AL.	
	Examiner Kevin Wyatt	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5-7 and 10 is/are allowed.
- 6) ☒ Claim(s) 4 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Request for Continued Examination filed on 01/23/2006. Claims 1-2, 4-7, and 9-10 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtomo (U.S. Patent No. 6,093,928) in view of Bouldin (U.S. Patent No. 4,463,089).

Regarding claims 4 and 9, Ohtomo discloses the claimed invention as stated above. Ohtomo shows in Fig. 1 and 3b, an apparatus and a method for determining position of a code strip carrier relative to a predetermined origin position comprising: a) a code strip carrier (100, i.e., rotor) having a plurality of code tracks (110 and 120, i.e. main scale and zero detecting indices) thereon; b) an illumination system (311 and 321, i.e., first light emitting device and second light emitting device) generating a light signal from each code track comprising a plurality of light and dark stripes (producing an occulting pattern), said dark stripes generating a light signal having a lower intensity than the light signal generated by said light stripes; c) a plurality of read heads each comprising a photodetector (313 and 323, i.e. first photosensor and second photosensor) positioned to detect light from a corresponding one of said code tracks

(110 or 120, i.e. main scale or zero detecting indices) as that code track moves relative to said read head; d) a controller (400) for generating an absolute position value related to the position of said code strip carrier relative to an origin position; wherein e) one of said tracks comprises a first absolute position track (120, i.e. zero detecting indices) that provides an indication of said absolute value when said code strip carrier is at each of a plurality of predetermined positions relative to said origin position (generating an absolute position value which represents the angle between the reference point (zero point) and the optional point); a different one of said code tracks comprises; f) a different one of said code tracks comprising an incremental position track for generating a digital value indicative of a displacement of said code strip carrier relative to the last predetermined absolute position (110, i.e., main scale that generates a number of light pulses fed into the input of main scale detection signal amplifier (601) whose output passes through stages 603 and 604 then feeds two counters (605 and 608) where the difference between 605 and 608 correspond to the angular distances between adjacent indices) (col. 4, lines 28-34 and 44-47, col. 6, lines 5-15)). Ohtomo does not disclose a code strip carrier comprising a reflective medium having a reflectivity that is altered by exposing said medium to light of an intensity greater than a predetermined intensity. Bouldin shows in Figs. 1 and 2 a code strip carrier (i.e., disk 11) comprising a reflective medium (i.e. low melting temperature colloid matrix (17) comprising a thin layer of reflective silver particles (19) atop of an underlayer of black filamentary silver particles (18)) having a reflectivity that is altered by exposing said medium to light of an intensity greater than a predetermined intensity (decreased reflectivity of colloid matrix as a

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result of pits produced by record beam energy, col. 1, lines 36-41). It would have been obvious to one skilled in the art to provide the reflective laser recording medium of Bouldin to the device of Ohtomo for the purpose of achieving high resolution optical data storage.

Allowable Subject Matter

4. Claims 1-2, 5-7, and 10 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 6, the prior art fails to disclose or make obvious a code strip carrier having a plurality of code tracks thereon comprising, in addition to the other recited limitations or steps of the claim, "an absolute position track, wherein said first logic signal is responsive to change in said direction of travel independent of said first absolute position track."

Regarding claims 2 and 7, the prior art fails to disclose or make obvious a code strip carrier having a plurality of code tracks thereon comprising, in addition to the other recited limitations or steps of the claim, "an absolute position track, wherein said predetermined strips are equally spaced on said code strip carrier."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments filed 01/23/2006 have been fully considered but they are not persuasive.

Regarding the 102(b) rejections of claims 4 and 9. These claims should have been addressed in the previous Office Action by the examiner as a 103(a) rejection, obvious over Ohtomo in view of Bouldin. Therefore claims 4 and 9 as written do not overcome the obviousness over Ohtomo in view of Bouldin.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Wyatt whose telephone number is (571)-272-5974. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571)-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



K.W.



Georgia Epps
Supervisory Patent Examiner
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